

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIC FIERRO,

Petitioner,

No. CV 17-832 KG/CG

v.

R.C. SMITH, et al.,

Respondents.

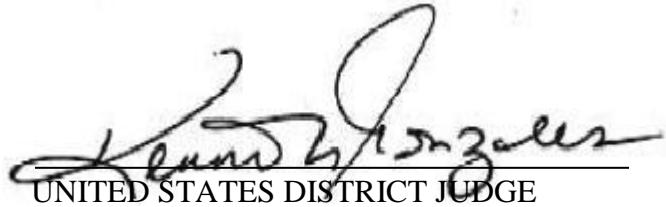
ORDER DENYING MOTION FOR HEARING

THIS MATTER is before the Court on Petitioner Eric Fierro's *Motion for Status & Evidentiary Hearing Pursuant to D.N.M. LR Rules 47.10, & Motion for Release from Custody Pursuant to Rule 46.1 D.N.M. LR also Motion/Status for Withdrawal of Petition for Writ of Habeas Corpus & or Summary Judgment Pursuant to Rule 56.1 & 58.1 D.N.M. LR, & Hearing for Final Disposition Pursuant to Rule 30.6 D.N.M. LR*, (Doc. 33), filed April 13, 2018. In the Motion, Petitioner requests: that the Court conduct a hearing on the status of his pending motions before the Court; that all charges against him be dismissed; and that he be released from custody. (Doc. 33 at 1-2).

The Court denied Petitioner's various motions and entered final judgment on April 10, 2018, three days prior to Petitioner's Motion. (Doc. 31, 32). Petitioner's request for a hearing on the status of his motions is therefore moot. Further, the Court has denied Petitioner's *Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody*, (Doc. 1). (Doc. 31). Petitioner has since been denied a certificate of appealability from this court and the Tenth Circuit Court of Appeals. (Doc. 40). Petitioner's requests that the state charges against him be dismissed and that he be released from state custody are therefore denied for the reasons stated in

the Court's *Memorandum Opinion and Order Adopting Proposed Findings and Recommended Disposition*, (Doc. 31).

IT IS THEREFORE ORDERED that Petitioner Eric Fierro's *Motion for Status & Evidentiary Hearing Pursuant to D.N.M. LR Rules 47.10*, is **DENIED AS MOOT**, and his *Motion for Release from Custody Pursuant to Rule 46.1 D.N.M. LR also Motion/Status for Withdrawal of Petition for Writ of Habeas Corpus & or Summary Judgment Pursuant to Rule 56.1 & 58.1 D.N.M. LR, & Hearing for Final Disposition Pursuant to Rule 30.6 D.N.M. LR*, (Doc. 33), is **DENIED**.



UNITED STATES DISTRICT JUDGE